Message Text

UNCLASSIFIED

PAGE 01 GENEVA 04561 01 OF 03 171931Z

67

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 AF-10 ARA-16 EA-11 NEA-14 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07

PA-04 PRS-01 SP-03 SS-20 USIA-15 AID-20 COME-00 EB-11

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R 171730Z JUL 74 FM USMISSION GENEVA TO SECSTATE WASHDC 7148 INFO AMEMBASSY BRUSSELS USMISSION USUN NY

UNCLAS SECTION 1 OF 3 GENEVA 4561

E.O. 11652: N/A

TAGS: ECOSOC, EGEN, UN

SUBJ: 57TH ECOSOC: ITEM 8 MULTINATIONAL CORPORATIONS

- 1. THIS ITEM SCHEDULED FOR JULY 18-19 DISCUSSION ECOSOC ECONOMIC COMMITTEE. THE US DELEGATION HAS TABLED, IN ADAVANCE, A RES. QUOTED BELOW. TWO OTHER DRAFTS OF RESES HAVE COME TO ATTENTION OF THE DELEGATION: A CANADIAN DRAFT, NOT YET TABLED, REFERS TO THE PROPOSED ECOSOC COMMISSION OF MULTINATS AND ITS TERMS OF REFERENCE; THE THRID DRAFT IS MUCH MORE WIDE RANGING, ADDRESSING ITSELF TO INSTITUTIONAL ASPECTS, CODE OF CONDUCT, ETC. WE UNDERSTAND THAT THIS LAST DRAFT, NOT YET TABLED NOR EVEN WIDELY DISTRIBUTED ON AN INFORMAL BASIS, WAS CONCOCTED BY THE UN SECRETARIAT WITH THE ADVICE OF SOME INDIVIDUAL DELEGATES.
- 2. THE US DELEGATION DECIDED TO TABLE ITS RESOLUTION IN ADVANCE OF THE OTHERS, AFTER CONSULTATION WITH THE UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04561 01 OF 03 171931Z

CANADIAN DELEGATION, WITH VIEW TO HEADING OFF MORE

EXTREME RESOLUTIONS, AND MORE IMPORTANTLY, BOLSTERING THOSE LDC DELEGATIONS WHOSE SYMPATHY AND OBJECTIVES ON THIS ISSUE ARE MORE ALIGNED WITH THOSE OF USG THAN WITH RADICAL G-77 OR NAC. WE BELIEVE, THAT BY HAVING TABLED OUR RES., POSITION OF DELS OF BRAZIL, IVORY COAST, WHO FAVOR CAUTIOUS APPROACH TO REPORT OF EMINENT PERSONS AND IMPLEMENTATION OF ITS RECOMMENDATIONS WILL BE STRENGTHENED IN G-77 CONSULTATIONS AND SUBSEQUENTLY IN COUNCIL DBATE.

- 3. ALTHOUGH CANADIAN DRAFT DOES NOT FIT ALL USG OBJECTIVES ON ISSUE, US DEL BELIEVES THAT SOMEWHERE BETWEEN US AND CANADIAN DRAFTS AN ACCEPTABLE RES. CAN BE NEGOTIATED.
- 4. FOR DEPTS. INFO AND COMMENT, THE THREE RESES ARE QUOTED BELOW: (I) US RESOLUTION; (II) CANADIAN DRAFT RES; (III) UNATTRIBUTED DRAFT RES.

--I--

THE ECONOMIC AND SOCIAL COUNCIL,
RECALLING RESOLUTION 1721, (LIII),
HAVING RECEIVED THE REPORT OF THE GROUP OF EMINENT
PERSONS TO STUDY THE IMPACT OF MULTINATIONAL CORPORATIONS
ON DEVELOPMENT AND ON INTERNATIONAL RELATIONS, AS WELL AS
COMMENTS BY MEMBERS OF THE GROUP,
HAVING GIVEN PRELIMINARY CONSIDERATION TO THE REPORT
AND ITS COMMENTS, AND
HAVING REGARD TO THE CONTINUING IMPORTANCE OF THE
ROLE OF MULTINATIONAL CORPORATIONS IN THE DEVELOPMENT
PROCESS AND IN INTERNATIONAL RELATIONS,

- 1. TAKES NOTE OF THE REPORT AND ITS COMMENTS:
- 2. EXPRESSES ITS PROFOUND APPRECIATION TO THE

MEMBERS OF THE GROUP OF EMINENT PERSONS FOR THEIR EFFORTS;

- 3. REQUESTS THE SECRETARY-GENERAL TO SOLICIT FROM STATES MEMBERS THEIR ANALYSES OF THE REPORT AND OF THE PROBLEMS WITH WHICH IT IS CONCERNED, TO BE TRANSMITTED TO THE SECRETARY-GENERAL BY 31 JUNUARY 1975;
- 4. FURTHER REQUESTS THE SECRETARY-GENERAL TO UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 04561 01 OF 03 171931Z

PREPARE PROPOSALS FOR SUBMISSION TO THE XXXTH SESSION OF THE SENGERAL--ASSEMBLY FOR THE ESTABLISHMENT WITHIN THE SECRETARIAT OF AN INFORMATION AND RESEARCH CENTER ON MULTINATIONAL CORPORATIONS; AND

5. DECIDES TO PLACE ON THE AGENDA OF THE 58TH SESSION OF THE ECONOMIC AND SOCIAL COUNCIL AN ITEM ON MULTINATIONAL CORPORATIONS, WITH A VIEW TO DISCUSSION IN DEPTH OF THE REPORT AND ITS COMMENTS, INCLUDING ITS RECOMMENDATION FOR

THE ESTABLISHMENT OF A COMMISSION ON MULTINATIONAL CORPORATIONS.

--II--

THE ECONOMIC AND SOCIAL COUNCIL,

RECALLING RESOLUTION 1721 (LIII),

COMMENDING THE GROUP OF EMINENT PERSONS FOR THEIR EFFORTS, AND THE COMPLETION OF THEIR REPORT ON THE IMPACT OF MULTINATIONAL CORPORATIONS ON THE DEVELOPMENT PROCESS AND ON INTERNATIONAL RELATIONS (E/5500),

AWARE THAT ECONOMIC AND SOCIAL CONDITIONS ARE CONTINUALLY UNDERGOING CHANGES WHICH REQUIRE REGULAR SCRUTINY TO ENSURE UNIMPEDED AND EQUITABLE PROGRESS TOWARDS THE ATTAINMENT OF AN INTEGRATED WORLD ECONOMY,

DESIROUS OF ESTABLISHING EFFECTIVE MACHINERY FOR DEALING WITH THE ISSUES RAISED BY THE ACTIVITIES OF MULTINATIONAL ENTERPRISES, WHICH SHALL RECOMMEND TO THE COUNCIL A WORK PROGRAMME TO PURSUE AND FORMULATE POSITIVE POLICIES WITH APPROPRIATE PRIORITIES,

- 1. REQUESTS THE SECRETARY-GENERAL, AFTER CONSULTATION WITH GOVERNMENTS, TO ESTABLISH AN EXPERT COMMITTEE, TO BE KNOWN AS THE ECOSOC COMMITTEE ON MULTINATIONAL ENTERPRISES, AND TO EXAMINE FURTHER AS NECESSARY AND TO MAKE CONSEQUENT RECOMMENDATIONS ON THE IMPACT OF MULTINATIONAL ENTERPRISES,
- 2. REQUESTS THE SECRETARY-GENERAL TO SOLICIT FROM GOVERNMENTS THEIR OWN ANALYSES OF THE GROUP OF EMINENT PERSONS REPORT; AND TO SUBMIT THESE ANALYSES TO THE ECOSOC COMMITTEE ON MULTINATIONAL ENTERPRISES IN ORDER TO ASSIST IT TO ESTABLISH PRIORITIES, AND DETERMINE THOSE AREAS IN WHICH THERE ARE OPPORTUNITIES FOR PROGRESS.
- 3. REQUESTS THAT THE COMMITTEE REPORT BIANNUALLY TO UNCLASSIFIED

UNCLASSIFIED

PAGE 04 GENEVA 04561 01 OF 03 171931Z

ECOSOC ON THE PROGRESS OF ITS WORK, AND TO RECEIVE DIRECTIONS AS TO ITS PRIORITIES,

- 4. REQUESTS THAT THE SECRETARY-GENERAL PROVIDE WITHIN THE SECRETARIAT APPROPRIATE SUPPORT TO THE ECOSOC COMMITTEE ON MULTINATIONAL ENTERPRISES, INCLUDING INFORMATION COLLECTION,
- 5. REQUESTS THAT THE COMMITTEE DETERMINE AS SOON AS POSSIBLE WHETHER IT IS FEASIBLE TO PROVIDE SUPPORT SERVICES, THROUGH RESEARCH AND ADVICE, TO DEVELOPING COUNTRIES IN THEIR NEGOTIATIONS WITH MULTINATIONAL ENTERPRISES,
- 6. DIRECTS THE COMMITTEE TO ASSIST THE COUNCIL IN FULFILLING ITS FUNCTIONS WITH REGARD TO MULTINATIONAL ENTERPRISES WITHIN THE U.N. SYSTEM. IN ORDER TO DO SO, THE COMMITTEE SHOULD:

(A) ACT AS THE FOCAL POINT WITHIN THE UN. SYSTEM FOR THE COMPREHENSIVE CONSIDERATION OF ISSUES RELATION TO MULTINATIONAL CORPORATIONS;
(B) RECEIVE REPORTS THROUGH THE COUNCIL FROM OTHER BODIES OF THE UNITED NATIONS SYSTEM ON RELATED MATTERS;

(C) PROVIDE FOR THE PRESENTATION AND EXCHANGE OF VIEWS BY GOVERNMENTS, INTER-GOVERNMENTAL ORGANIZATIONS INCLUDING MULTINATIONAL CORPORATIONS, LABOUR, CONSUMER AND OTHER INTERESTED GROUPS, THROUGH INQUIRIES, STUDIES, REPORTS AND DISCUSSIONS AIMED AT FACILITATING A DIALOGUE AMONG THE PARTIES CONCERNED;

(D) ORGANIZE THE COLLECTION, ANALYSIS AND DISSE-MINATION OF INFORMATION TO ALL PARTIES CONCERNED WITHIN THE RELEVANT PRIORITIES SET BY ECOSOC:, (E) PROMOTE A PROGRAMME OF TECHNICAL COOPERATION AIMED IN PARTICULAR AT STRENGTHENING THE CAPACITY OF HOSTS, PARTICULARLY DEVELOPING COUNTRIES, IN THEIR RELATIONS WITH MULTINATIONAL ENTERPRISES.

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PAGE 01 GENEVA 04561 02 OF 03 171944Z

67

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 AF-10 ARA-16 EA-11 NEA-14 RSC-01

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UNCLAS SECTION 2 OF 3 GENEVA 4561

--III---

RECALLING COUNCIL RESOLUTION 1721(LIII) OF 28 JULY 1972,

RECALLING THE INTERNATIONAL DEVELOPMENT STRATEGY FOR THE SECOND UN. DEVELOPMENT DECADE, AND IN PARTICULAR PARAGRAPH (50) THEREOF ON FOREIGN INVESTMENT

RECALLING THE RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY CONCERNING THE PERMANENT SOVEREIGNTY OF STATES OVER THEIR NATURAL RESOURCES, HAVING CONSIDERED THE REPORT OF THE SECRETARY-GENERAL, AS WELL AS THE REPORT OF THE GROUP OF EMINENT PERSONS APPOINTED BY THE SECRETARY

GENERAL TO STUDY THE IMPACT OF TRANSNATIONAL CORPORATIONS ON DEVELOPMENT AND ON INTERNATIONAL RELATIONS,

APPRECIATING THE VALUABLE CONTRIBUTION OF THE GROUP OF EMINENT PERSONS WHICH REPRESENTS AN IMPORTANT FIRST STEP IN THE COMPREHENSIVE INVOLVEMENT OF THE UNITED NATIONS IN THE SUBJECT OF TRANSNATIONAL CORPORATIONS,

REALIZING THE GROWING IMPORTANCE OF INTERNATIONAL PRODUCTION BY TRANSNATIONAL CORPORATIONS AND THEIR DISTINCT CAPABILITIES WHICH CAN BE PUT TO THE SERVICE OF DEVELOPMENT,

NOTING HOWEVER THAT CERTAIN PRACTICES AND EFFECTS OF TRANSNATIONAL UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04561 02 OF 03 171944Z

CORPORATIONS HAVE GIVEN RISE TO CONCERN AND ANXIETY IN MANY QUARTERS, CONVINCED THEREFORE THAT THE ISSUES RELATED TO TRANSNATIONAL CORPORATIONS SHOULD BE CONSIDERED WITHOUT DELAY SO THAT TENSIONS ARE EASED AND THE BENEFITS WHICH CAN BE DERIVED FROM TRANSNATIONAL CORPORATIONS ARE FULLY REALIZED,

RECOGNIZING THAT THE PRIMARY RESPONSIBILITY FOR TAKING ACTION WITH RESPECT TO TRANSNATIONAL CORPORATIONS RESTS WITH INDIVIDUAL HOME AND HOST GOVERNMENTS,

CONVINCED THAT ACTION BY INDIVIDUAL GOVERNMENTS REGARDING TRANSNATIONAL CORPORATIONS SHOULD BE SUPPLEMENTED BY ACTION AT THE REGIONAL AND INTERNATIONAL LEVELS WHICH PROMOTES CO-OPERATION AND HARMONIZATION

- 1. DRAWS THE ATTENTION OF GOVERNMENTS TO THE REPORT OF THE GROUP OF EMINENT PERSONS AND IN PARTICULAR TO ITS RECOMMENDATIONS;
- 2. AFFIRMS THAT INTERVENTION IN THE POLITICAL PROCESS OF HOST COUNTRI ES

BY TRANSNATIONAL CORPORATIONS CANNOT BE TOLERATED;

- 3. URGES HOST GOVERNMENTS TO CLEARLY DEFINE THOSE ACTIVITIES WHICH ARE NOT PERMISSIBLE FOR AFFILIATES OF TRANSNATIONAL CORPORATIONS TO ENGAGE IN;
- 4. RECOGNIZES THE VALUE FOR DEVELOPING COUNTRIES TO ESTABLISH, WHRE FEASIBLE, JOINT REGIONAL POLICIES WITH REGARD TO TRANSNATIONAL CORPORATIONS;
- 5. DECIDES THATTHE SUBJECT OF TRANSNATIONAL CORPORATIONS IN ALL ITS RAMIFICATIONS WILL BE CONSIDERED AND DEALT WITH BY THE ECONOMIC AND SOCIAL COUNCIL ON A REGULAR BASIS;

CONVINCED THAT EFFECTIVE ACTION BY THE COUNCIL MUST FLOW OUT OF A

CONTINUING ELUCIDATION AND ANALYSIS OF THE PROBLEMS INVOLVED, BASED ON MORE INFORMATION, PROFESSIONAL STUDIES AND CONSULTATIONS WITH THE VARIOUS PARTIES CONCERNED,

CONVINCED THAT THE DELIBERATIONS AND DECISION-MAKING PROCESS OF THE COUNCIL WOULD BE GREATLY FACILITATED AND ENHANCED IF THE COUNCIL WERE ASSISTED IN ITS WORK RELATED TO TRANSNATIONAL CORPORATIONS BY A BODY SPECIFICALLY

DESIGNED FOR THIS PURPOSE,

HAVING CONSIDERED THE PROGRAMME OF WORK PROPOSED BY THE GROUP OF EMINENT PERSONS,

NOTING WITH APPRECIATION THE WORK UNDERWAY IN THE UN., UNCTAD AND ILO IN A NUMBER OF SPECIFIC FIELDS RELATED TO TRANSNATIONAL CORPORATIONS, INCLUDING TAXATION, INTERNATIONAL UNCLASSIFIED

UNCLASSIFIED

PAGE 03 GENEVA 04561 02 OF 03 171944Z

TRADE LAW, TRANSFER OF TECHNOLOGY, RESTRICTIVE BUSINESS PRACTICES AND LABOUR,

RECALLING GENERAL ASSEMBLY RESOLUTION 3202(S-VI) AND IN PARTICULAR PART V WHICH CALLS FOR ALL EFFORTS TO BE MADE TO ADOPT AND IMPLEMENT AN INTERNATIONAL CODE OF CONDUCT ON TRANSNATIONAL CORPORATIONS,

NOTING THE LACK OF ADEQUATELY PROCESSED, RELIABLE AND COMPARABLE INFORMATION ON MANY ASPECTS RELATED TO HIS SUBJECT; AND THAT THE AVAILABILITY OF PERTINENT INFORMATION IS CENTRAL TO MANY ISSUES RELAT ED TO TRANSNATIONAL

CORPORATIONS,

NOTING FURTHER THAT DIRECT TECHNICAL CO-OPERATION CAN GREAYLY HELP REQUESTING GOVERNMENTS IN STRENGTHENING THEIR RELEVANT MACHINERY AND PERSONNEL,

1. DECIDES TO GIVE PRIORITY (A) TO FORMULATING A CODE OF CONDUCT HAVING DUE REGARD TO THE SOVEREIGNTY OF STATES; (B) TO EVOLVING A SYSTEM OF GATHERING, ANALYZING AND DISSEMINATING INFORMATION RELEVANT TO TRANSNATIONAL CORPORATIONS:

AND (C) TO PURSUING WORK WHICH MAY LEAD TO SPECIFIC INTERNATIONAL AGREEMENTS;

2. DECIDES FURTHER TO ESTABLISH, UNDER THE DIRECTION OF THE COUNCIL, A COMMISSION ON TRANSNATIONAL CORPORATIONS COMPOSED OF TWENCY-FIVE MEMBERS, SERVING IN THEI INDIVIDUAL CAPACITY, SELECTED ON THE BASIS OF THEIR UNDERSTANDING

OF THE ISSUES INVOLVED AND ACHIEVEMENTS IN THEIR RESPECTIVE FIELD OF COMPETENCE. MEMBERS SHALL INCLUDE IN PARTICULAR HIGH GOVERNMENT OFFICIALS WITH EXTENSIVE EXPERIENCE IN MATTERS RELATED TO TRANSNATIONAL CORPORATIONS, AS WELL AS PERSONS FROM BUSINESS, LABOUR AND THE ACADEMIC PROFESSION. THE COMMISSION AS A WHOLE SHALL OFFER A BROAD GEOGRAPHICAL REPRESENTATION OF DEVELOPED AND DEVELOPING COUNTRIES. THE SECRETARY-GENERAL, AFTER CONSULTATIONS WITH GOVERNMENTS, SHALL SUBMIT THE NOMINATION OF THE MEMBERS OF THE COMMISSION TO ECOSOC FOR ITS APPROVAL. PERSONS SHALL BE ELECTED FOR A THREE-YEAR RENEWABLE TERM;

3. DECIDES THAT THE TERMS OF REFERENCE OF THE COMMISSION ON

TRANSNATIONAL CORPORATIONS SHALL BE TO ASSIST THE COUNCIL IN FULFILLING ITS RESPONSIBILITY ON MATTERS RELATED TO TRANSNATIONAL CORPORATIONS. IN PARTICULAR, THE COMMISSION SHALL ASSIST THE COUNCIL IN:

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PAGE 01 GENEVA 04561 03 OF 03 171951Z

67

ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 AF-10 ARA-16 EA-11 NEA-14 RSC-01

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PA-04 PRS-01 SP-03 SS-20 USIA-15 AID-20 COME-00 EB-11

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UNCLAS SECTION 3 OF 3 GENEVA 4561

(A) ACTING AS THE FOCAL POINT WITHIN THE UNITED NATIONS SYSTEM FOR THE

 $\label{lem:comprehensive} \textbf{COMPREHENSIVE CONSIDERATION OF ISSUES RELATING TO TRANSNATIONAL CORPORATIONS; } \\$

- (B) CONSIDERING REPORTS FROM OTHER BODIES OF THE UNITED NATIONS SYSTEM ON RELATED MATTERS;
- (C) PROVIDING A FORUM FOR THE PRESENTATION AND EXCHANGE OF VIEWS BY GOVERNMENTS, INTERGOVERNMENTAL ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS, INCLUDING TRANSNATIONAL CORPORATIONS, LABOUR,
- CONSUMER AND OTHER INTEREST GROUPS;
- (D) UNDERTAKING WORK LEADING TO THE ADOPTION OF SPECIFIC ARRANGEMENTS OR AGREEMENTS IN SELECTED AREAS PERTAINING TO ACTIVITIES OF TRANSNATIONAL CORPORATIONS;
- (E) EVOLVING A SET OF RECOMMENDATIONS WHICH, TAKEN TOGETHER, WOULD REPRESENT A CODE OF CONDUCT FOR GOVERNMENTS AND TRANSNATIONAL CORPORATIONS TO BE CONSIDERED AND ADOPTED BY THE COUNCIL, AND REVIEW IN THE LIGHT OF EXPERIENCE THE EFFECTIVE APPLICATION AND

CONTINUING APPLICABILITY OF SUCH RECOMMENDATIONS; (F) EXPLORING THE POSSIBILITY OF CONCLUDING A GENERAL AGREEMENT ON TRANSNATIONAL CORPORATIONS, ENFORCEABLE BY APPROPRIATE MACHINERY, UNCLASSIFIED

UNCLASSIFIED

PAGE 02 GENEVA 04561 03 OF 03 171951Z

TO WHICH PARTICIPATING COUNTRIES WOULD ADHERE BY MEANS OF AN INTERNATIONAL TREATY:

(G) CONDUCTING ENQUIRIES, MAKING STUDIES, PREPARING REPORTS AND ORGANIZING PANELS FOR FACILITATING A DIALOGUE AMONG THE PARTIES CONCERNED;

(H) COLLECTING AND ANALYZING INFORMATION AND DISSEMINATING IT TO ALL PARTIES CONCERNED;

- 4. DECIDES FURTHER THAT THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHALL REPORT ANNUALLY TO THE COUNCIL;
- 5. REQUESTS THE SECRETARY-GENERAL TO SUBMIT TO THE ORGANIZATIONAL MEETING OF THE 58TH SESSION OF THE COUNCIL, AFTER CONSULTATION WITH GOVERNMENTS, THE NAMES AND RESUMES OF THE TWENTY-FIVE NOMINEES FOR MEMBERSHIP IN THE COMMISSION ON TRANSNATIONAL CORPORATIONS;
- 6. REQUESTS THE COMMISSION ON TRANSNATIONAL CORPORATIONS TO SUBMIT ITS FIRST REPORT TO THE 59TH SESSION OF THE COUNCIL WHICH SHOULD INCLUDE ITS PROPOSALS FOR IMPLEMENTING THE WORK PROGRAMME CONTAINED IN PART II OF THIS RESOLUTION:
- 7. CALLS UPON THE UNITED NATIONS TO SSTRENGTHEN AND EXPAND ITS TECHNICAL CO-OPERATION CAPACITY RELATED TO TRANSNATIONAL CORPORATIONS IN THE AREA OF TRAINING AND ADVISORY SERVICES,

BEARING IN MIND THAT THE CONTINUING AND BROAD RANGE OF ACTIVITIES CALLED FOR IN THIS FIELD, AND THE NEED FOR THE COUNCIL AND THE COMMIS

ON TRANSNATIONAL CORPORATIONS TO HAVE NECESSARY AND CONTINUOUS SECRETARIAT SUPPORT FOR CARRYING OUT THE WORK PROGRAMME.

1. REQUESTS THE SECRETARY-GENERAL TO ESTABLSIH AN INFORMATION AND RESEARCH CENTRE ON TRANSNATIONAL CORPORATIONS WHICH WOULD PERFORM THE FOLLOWING FUNCTIONS: (A) SERVICE THE COMMISSION OF TRANSNATIONAL CORPORATIONS: (B) COLLECT, ANALYZE AND DISSEMINATE INFORMATION RELATED TO TRANSNATIONAL CORPORATIONS; (C) UNDERTAKE RESEARCH AND ENQUIRIES; AND (D) RENDER ADVISORY SERVICES AND ORGANIZE TRAINING ACTIVITIES ON MATTERS RELATED TO TRANSNATIONAL CORPORATIONS. THE CENTRE SHOULD BE HEADED BY AN EXECUTIVE DIRECTOR APPOINTED BY

THE SECRETARY-GENERAL.

2. REQUESTS THE SECRETARY-GENERAL TO REPORT TO THE ORGANIZATIONAL MEETING OF THE 58TH SESSION OF THE COUNCIL ON THE IMPLEMENTATION OF OPERATIVE PARAGRAPH 1.DALE UNCLASSIFIED

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PAGE 03 GENEVA 04561 03 OF 03 171951Z
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